

## **4.12 PUBLIC SAFETY**

This section addresses the potential for public exposure to unsafe conditions resulting from construction and operation of the proposed flood control project. Other public health and safety issues related to handling, storage, or transport of hazardous materials are discussed in section 4.11 of this EIR/S.

### **4.12.1 Regulatory Setting**

Enforcement of public safety regulations related to construction activities for a flood control improvement project are the responsibility of various state and local agencies, including the California Occupational Health and Safety Administration, California Department of Transportation, and various local agencies such as the San Jose City Public Works, Police, and Fire departments.

### **4.12.2 Existing Conditions**

Existing safety concerns related to the upper Guadalupe River are primarily associated with the potential for flooding resulting from runoff during rainstorms. The existing channel in reaches 7 and 8 and portions of reaches 10, 11, and 12 cannot accommodate a 50-year flood event, and some portions of the river cannot contain a flood as small as 7 years in return frequency. As a result, portions of the feasibility study area are subject to flooding and property damage. Historically, flooding on the Guadalupe River has caused extensive damage in the cities of San Jose and Alviso. Recent storms have caused relatively minor flooding within the study area, although the March 1995 flood caused major flooding in downtown San Jose, downstream. The major impact in past floods has been property damage (Parsons Engineering Science 1997).

Public access to the river channel is partially controlled by fences located along the tops of the channel banks. This feature discourages access to the river from adjacent residential and commercial properties and minimizes other public safety hazards. Substantial lengths of the river, however, are unfenced.

### **4.12.3 Environmental Effects**

#### ***Impact Significance Criteria***

According to the CEQA Appendix K, Significant Effects (v), a project would have a significant effect on the environment if it would create a potential public health or safety hazard. Public safety concerns of the project are associated with: (1) temporary hazards related to construction activities in and around residential and commercial areas; and (2) potential hazards associated with public access to the river channel after completion of the project.

#### ***Channel Widening Plan***

*Potential Impacts due to Unauthorized Entry to the Construction Areas.* Although access to the river is generally difficult, public access and unauthorized entry into the feasibility study area during construction could result in public safety hazards. Rivers and channels are attractive nuisances to children, and unsupervised entry to the river and other flood control facilities could result in injury. This would be a significant short-term impact that would be mitigated to insignificance by requiring warning signs and fencing of construction areas.

*Roadway and Bridge Construction Hazards.* Construction in and adjacent to roadways, bridges, and pedestrian walkways would conceivably create hazards for vehicular traffic and pedestrians. Constricted roadways, large construction vehicles, and detours could present traffic hazards. This would be a significant short-term impact that would be mitigated to insignificance by requiring warning signs and fencing of construction areas by posting construction access routes and avoiding residential neighborhoods.

*Potential Impacts due to Unauthorized Entry.* After project completion, public safety hazards could result from unauthorized entry into the river channel and associated flood control facilities, such as culverts. Culverts and other inlets and outlets that may be accessible to the public could create attractive nuisances, resulting in injuries. This would

## **Public Safety**

---

be a significant impact long-term impact that would be feasibly mitigated to insignificance by posting permanent warning signs in areas along the channel.

### ***Bypass Channel Plan***

The potential public safety issues related to construction and operation of the Bypass Channel Plan are essentially the same as those described for the Channel Widening Plan with the exception of developing the recreational trail and amenities.

*Potential Impacts due to Recreational Access.* The Bypass Channel Plan would include development of a recreational trail within the floodway and would encourage public access along the river for a distance of approximately 4 miles. Public access off the trail would not be encouraged except at designated locations where picnic tables and other public facilities (e.g., rest rooms, drinking fountains, a par course, interpretive signs, and benches) would be located. Proposed design safety features would include call boxes, safety lighting at railroad and roadway underpasses, vehicle barriers at trail access points, and directional signs. Also for public safety purposes, approximately 3,800 feet of 3-foot high chain-link fence and approximately 1,500 feet of railing is proposed along selected portions of the trail. The approximately 5,300 feet (over 1 mile) of fencing and railing would not prevent access to the river, but it would help to confine trail users to the designated recreational use areas. The City of San Jose would be responsible for administering the recreational trail and associated facilities. The City has a policy that recreational trails are closed at night; this would reduce public safety concerns for trial users and adjacent residents. Public safety issues could result from increased public accessibility and possible unauthorized entry into the river channel and associated flood control facilities, such as culverts. Culverts and other inlets and outlets that may be accessible to the public could create attractive nuisances, which could result in injuries. This would be a significant impact that would be mitigated to insignificance by incorporating the measures discussed for the Channel Widening Plan.

### ***No-Action Alternative***

The potential public safety issues related to the no-action alternative are the same as the existing conditions described in section 4.12.2. The potential impacts related to construction activities would not occur under the No-Action Alternative.

**4.12.4 Mitigation Measures**

***Channel Widening Plan and Bypass Channel Plan***

1. The Corps shall prepare and implement a Construction Public Safety Plan designed to address short-term public safety impacts during construction activity. The plan shall include the following.
  - a. Project construction areas shall be posted with warning signs and shall be adequately fenced and barricaded or equipped with other security measures to prevent unauthorized access during construction.
  - b. Prior to commencement of construction activities for any phase of the project, access routes for construction truck traffic shall be identified and posted. Routes into construction areas shall avoid residential neighborhoods to the maximum extent practical. Construction zones shall be clearly marked and posted, and flag personnel shall be used wherever necessary to direct traffic.
  - c. Notification shall be given to residents and businesses in the surrounding area before construction begins. Alternative traffic and pedestrian routes for impacted areas shall be posted.
2. The SCVWD shall prepare and implement a Operational Public Safety Plan designed to address long-term public safety impacts during the life of the proposed action. The plan shall include the following:
  - a. Permanent warning signs (e.g., no entry, no swimming, or diving), fencing, barricades, and/or other access control measures shall be erected in areas along the channel, where necessary, to restrict or prohibit public access.

**4.12.5 Unavoidable Significant Adverse Impacts**

Significant short-term construction and long-term operational public safety impacts identified above would be mitigated to insignificance with mitigation measure implementation. No unavoidable significant adverse impacts would occur under either alternative plan.

